

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Triennial Compliance)
Docket for the Integrated Resource Plan of)
Evergy Kansas Central, Inc. & Evergy Kansas) Docket No. 24-EKCE-387-CPL
Metro, Inc. Pursuant to the Commission’s)
Order in Docket No. 19-KCPE-096-CPL)

**POST-JOINT FILING COMMENTS OF THE COUNCIL FOR THE NEW ENERGY
ECONOMICS**

COMES NOW, The Council for the New Energy Economics (“NEE”) and respectfully files these Post-Joint Filing Comments addressing the triennial resource planning filing of Evergy Kansas Central Inc. and Evergy Kansas South, Inc. (together as “Evergy Kansas Central”) and Evergy Metro, Inc. (“Evergy Kansas Metro”) (collectively, “Evergy”) in the above-referenced docket. In support of these Post-Joint Filing Comments, NEE states as follows:

I. Background

1. Upon review of Evergy’s Triennial Integrated Resource Plan (“IRP”) filing, NEE identified several deficiencies as described in Comments filed by NEE on October 14, 2024 (“October 14 Comments”). Among the identified deficiencies, NEE observed as follows:

To the extent it has been shared, Evergy’s methodology for forecasting the price of natural gas does not adequately capture observed trends. We hold the three scenarios presented by Evergy understate both the probable cost of delivered fuel and the full extent of market risk.¹

NEE’s October 14 Comments described its concerns with the natural gas price forecasts in detail. At a high level, those concerns include a failure to capture the full observable range of long-term supply-demand cycles and short-term volatility.² The forecasts also fail to account for regional specificity, thereby failing to capture potential structural challenges with sourcing gas during

¹ October 14 Comments, p. 18.

² *Id.* at p. 19.

winter months in the local market.³ NEE also notes that there is a lack of stakeholder input and transparency regarding the forecasting methods, which should be addressed by the Commission.

2. On December 3, 2024, Evergy, NEE, and Sierra Club made a Joint Filing to report on which of the identified deficiencies were resolved, the proposed resolution to those deficiencies, and which of the identified deficiencies remained unresolved. The deficiency regarding Evergy’s natural gas price forecasts was labeled as “NEE Deficiency 7” and was reported as “unresolved.”⁴ All other deficiencies identified by NEE were resolved, as set forth in the Joint Filing.

3. Subsequent to the Joint Filing, the IRP Protocols provide one last opportunity for the parties to comment on the identified deficiencies and proposed remedies before “[t]he Commission issues an order which indicates on which items, if any, a hearing will be held and which also establishes a procedural schedule if necessary.”⁵ Accordingly, NEE is filing these Post-Joint Filing Comments to request the following relief in the Commission’s forthcoming order.

II. Request for Relief

4. NEE requests that the Commission abstain from making a determination on NEE Deficiency 7 in this Docket and refer the issue for further adjudication in Evergy’s pending Predetermination Docket.⁶ Evergy’s Predetermination Application in Docket No. 25-EKCE-207-PRE was filed pursuant to K.S.A. 66-1239. Under that statute, the Commission may consider “if the [preferred] plan selected by the public utility is reasonable, reliable and efficient.”⁷ The “preferred plan” refers to the preferred plan selected by Evergy in its triennial IRP filing submitted

³ *Id.* at pp. 19-20.

⁴ Joint Filing, ¶¶ 17-18 (Dec. 3, 2024).

⁵ Docket No. 19-KCPE-096-CPL, Order Adopting Integrated Resource Plan and Capital Plan Framework, Attachment A, p. 6.

⁶ Docket No. 25-EKCE-207-PRE

⁷ K.S.A. 66-1237(c)(3).

in this Docket.

5. NEE submits that the Commission must examine NEE Deficiency 7 in order to determine if the preferred plan selected by Evergy is reasonable, reliable and efficient—especially as it relates to Evergy’s proposed acquisition of two 710 MW combined cycle gas turbines. Further, the Commission has established a procedural schedule in the Predetermination Docket that allows for discovery, testimony, and an evidentiary hearing. Accordingly, the Predetermination Docket is a better venue for continuing to adjudicate NEE Deficiency 7. To avoid prejudicing the Commission’s examination of these issues in the Predetermination Docket, the Commission should abstain from ruling on the same issues in this Docket.

WHEREFORE, NEE respectfully requests that the Commission abstain from making a determination on NEE Deficiency 7 in this Docket and refer the issue for further adjudication in Docket No. 25-EKCE-207-PRE. NEE also requests all other relief to which it is entitled.

Respectfully submitted,

By: /s/Andrew O. Schulte
Andrew O. Schulte MBN 62194
900 West 48th Place, Suite 900
Kansas City, Missouri 64112
(816) 691-3731
aschulte@polsinelli.com

ATTORNEY FOR THE COUNCIL FOR THE
NEW ENERGY ECONOMICS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading and associated Comments have been electronically served this 13th day of December, 2024 to:

JOSEPH R. ASTRAB, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Joseph.Astrab@ks.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Todd.Love@ks.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
David.Nickel@ks.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Shonda.Rabb@ks.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Della.Smith@ks.gov

CATHRYN J. DINGES, SR DIRECTOR &
REGULATORY AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Cathy.Dinges@evergy.com

LEE M SMITHYMAN, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
lsmithyman@foulston.com

CONNOR A THOMPSON, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
cthompson@foulston.com

JAMES P ZAKOURA, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
jzakoura@foulston.com

SARAH RUBENSTEIN, ATTORNEY
GREAT RIVERS ENVIRONMENTAL LAW
CENTER
319 N FOURTH STREET, SUITE 800
SAINT LOUIS, MO 63102
srubenstein@greatriverslaw.org

TERRY M. JARRETT, Attorney at Law
HEALY LAW OFFICES, LLC
306 MONROE STREET
JEFFERSON CITY, MO 65101
terry@healylawoffices.com

HEATHER H. STARNES
HEALY LAW OFFICES, LLC
12 Perdido Circle
Little Rock, AR 72211
heather@healylawoffices.com

KIMBERLY B FRANK, Partner
K & L GATES, LLP
1601 K STREET NW
WASHINGTON, DC 20006
Kimberly.Frank@klgates.com

NATHAN HOWE, Partner
K & L GATES, LLP
One Newark Center
1085 Raymond Blvd.
Newark, NJ 07102
Nathan.howe@klgates.com

TERESA A. WOODY
KANSAS APPLESEED CENTER FOR LAW AND
JUSTICE, INC.
211 E. 8th Street
Suite D
Lawrence, KS 66044
twody@kansasappleseed.org

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Brian.Fedotin@ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Carly.Masenthin@ks.gov

SUSAN B. CUNNINGHAM, SVP, Regulatory and
Government Affairs, General Counsel
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
scunningham@kepco.org

REBECCA FOWLER, MANAGER,
REGULATORY AFFAIRS
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
rfowler@kepco.org

BRAD HUTTON, FINANCIAL/REGULATORY
SPECIALIST
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
bhutton@kepco.org

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
MAHLBERG@KMEA.COM

TERRI J PEMBERTON, GENERAL COUNSEL
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
pemberton@kmea.com

DARREN PRINCE, MANAGER, REGULATORY
& RATES
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
prince@kmea.com

JAMES GING, DIRECTOR ENGINEERING
SERVICES
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
jging@kpp.agency

COLIN HANSEN, CEO/GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
chansen@kpp.agency

LARRY HOLLOWAY, ASST GEN MGR
OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
lholloway@kpp.agency

JOSHUA D. BEDEL, GENERAL MANAGER
MCPHERSON BOARD OF PUBLIC UTILITIES
401 W KANSAS AVE
PO BOX 768
MCPHERSON, KS 67460
JOSHBMCPHERSONPOWER.COM

DUSTIN RINGER
MCPHERSON BOARD OF PUBLIC UTILITIES
401 W KANSAS AVE
PO BOX 768
MCPHERSON, KS 67460
dustinr@mcphersonpower.com

AARON ROME, VP OF ENERGY SUPPLY
MIDWEST ENERGY, INC.
1330 CANTERBURY DRIVE
PO BOX 898
HAYS, KS 67601-0898
arome@mwenergy.com

ASHOK GUPTA, EXPERT
NATIONAL RESOURCES DEFENSE COUNCIL
20 N WACKER DRIVE SUITE 1600
CHICAGO, IL 60606
agupta@nrdc.org

JARED R. JEVONS, ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
JJEVONS@POL SINELLI.COM

ANDREW O. SCHULTE, ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
aschulte@polsinelli.com

SUNIL BECTOR, ATTORNEY
SIERRA CLUB
2101 WEBSTER, SUITE 1300
OAKLAND, CA 94312-3011
sunil.bector@sierraclub.org

TONY MENDOZA
SIERRA CLUB
2101 WEBSTER, SUITE 1300
OAKLAND, CA 94312-3011
tony.mendoza@sierraclub.org

ROBERT R. TITUS
TITUS LAW FIRM, LLC
7304 W. 130th St.
Suite 190
Overland Park, KS 66213
rob@tituslawkc.com

J.T. KLAUS, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
jtklaus@twgfirm.com

KACEY S MAYES, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
ksmayes@twgfirm.com

TIMOTHY E. MCKEE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
TEMCKEE@TWGFIRM.COM

/s/Andrew O. Schulte
Andrew O. Schulte